



American Board of Criminal Lawyers THE ROUNDTABLE



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Reflections on 2011

by Past-President-to-be Gerald Gold

During my reign we have avoided wars and spent no more money than we had. That's better than our National leaders.

This has been a fun year for me. In my eightieth year, after 57 years at the Bar (both), my caseload had diminished. I had too much spare time so ABCL fit in well. I really got to know so many Fellows via emails and telephone calls. You really get to know a Fellow when you stand side by side in a trial, share a trench, or he forgot to sign up and needs a room. I sent and received thousands of e-mails and now know the names of almost every Fellow and their meaningful other(s). A nice thing about ABCL is that if you ask someone to do something they don't say no. I must acknowledge some of the wonderful things people did to help this year. (Those who didn't stop here. The rest look for your names) .

Jim Jenkins and his wonderful assistant Sarah Dattistella put together our Roster and included the awesome luggage tags. Ian Friedman put together our interactive Internet website with the help of Jim Mollica our webmaster.

Soon to be President-Elect Bruce Maloy was our Ambassador to the Court of St. James and helped our International Hero Chris Sallon QC put together the "Best lawyer Show" ever. Imagine, Lincoln Inn with the Barristers (they paid too); Court Room One in Old Bailey to ourselves with the English Judge and Barristers wow. The conclusion at Gray's Inn could match the finest Royal Dinners. Of course the Queen. After her busy day reviewing the Royal Horseguards appeared far more beautiful than ever before as played by Linda Demetrick. (who also hosted the meaningful others tea at the Horseguard Hotel.)

You could not have a DC meeting without the Asbills. Joanne really took over and led me into a much classier party than I could have imagined. Getting the Metropolitan Club which certainly compared with Gray's Inn was a masterful step but the Band put it over the top. But that wasn't enough Hank asked about how many people would come early. I said probably 40. He wanted to do a Thursday early arrival cocktail party. I asked if we should advertise it. He said yes and over 100 wet guests had a great time at their lovely home. They could not have gotten there without Barry Boss' transportation and printing company's aid. There also was a Friday night affair to which Jim Liguori asked me if he could invite a good friend. So many of us had our picture taken with the Vice President. We had probably the "Best Panel Ever" to present our award to our Fellow Monroe Friedman. Chuck Watson put this panel together which included our new Fellow Professor Abbe Smith, Professor Paul Butler, and on everyone's best lawyer list Mike Tigar.

Our Annual Meeting was disappointing in that I did not get re-elected but other than that was marked by Washington's Best Known lawyer Jake Stein opening and an incredible panel chaired by Hank Asbill. We had our own Federal Judges Rakoff and Moore as well as our Honoree Monroe Freedman. Since the panel dealt with publicity, how could we not have Cheney Mason fresh from the most publicized acquittal since OJ?

If there were a loyalty award it would go to Nasatir, Hirsch and Podberesky for driving home over the mountains in the rain so they could attend the dinner in Palm Springs.

Until you have to deal with it you have no idea how tough it is to make several hundred spoiled brat lawyers like myself happy. We are not as bad as athletes but close. I could never have done it without Melinda and Jim Homola who sweated out each hotel reservation with me. I had the additional help of Past-President Friedberg and Pres-Elect Teg.

I must thank our Editor and Publisher Randolph Hearst LaCheen and his able Associate Editor, Rita Bognanni, who educated and tried to amuse for lo these many years.

Most of all give the very most thanks to my lovely wife who works full time to support my having fun and keeps me organized. She also sang sweetly with Pat Mika in Palm Springs and London. Thanks Judge Rosemary. I look forward to being a Past-President.

Gerry Gold
12/12/2011

An Open Letter to the Troops

from J. Cheney Mason

To all my very dear friends:

I am writing to thank you for the hundreds of cards, letters, e-mails, and calls that I have received during my illness. Also, wanting to let you know how humbling that is to learn that there are so many people that took the time to express their concerns. Additionally, I am wanting to clear the record as to what did and did not happen to me so that the misinformation and speculation can finally end.

We did orchestrate deception, simply to avoid the media parasites that swarmed around us immediately and have, even to this day, been relentless.

This is what happened: I have made approximately a dozen speeches at various political and Bar Association groups and college classes since the Casey Anthony verdict. On November 11th (Veteran's Day) before planning my annual celebration with fellow vets, I was to speak in a panel at Bethune Cookman College for the 17th Annual Media Forum on Media Responsibility. Isn't that a hoot! Shirley and I drove to Daytona, arrived timely at Bethune Cookman College, and, after finding a space in the parking lot, got out of the car, moments before having a "mini stroke". The doctors call it a TIA (Transient Ischemic Attack). There was no warning of any kind and all I can say is we were extremely lucky because less than five minutes before, I was on the interstate driving, and Bethune Cookman College is only two minutes down the street from the Halifax Hospital.

Ironically, the various media people at this annual conference on "Media Responsibility" rushed to take pictures of me being treated by the Emergency Medical Team and loaded into the ambulance. One of the industrious reporters actually raced to the hospital, beating the ambulance, to take more pictures of me being taken out of the ambulance and loaded into the hospital. I am told that within thirty minutes news reports were circulating around the country. There were banners on CNN, MSNBC, TMZ, and all the local media, as well as different media around the country. Shirley had not even had the time to leave my side in the emergency room to call my children or my office. They all learned from news media and calls. You can imagine the concern that that created. Within an hour, the hospital security reported that there were over twenty television antenna trucks in front of the hospital.

I spent five hours in the emergency room. The attack had manifested itself by temporarily paralyzing the right side of my body. The face drop, the speech, and the injury to my right leg subsided during the emergency room treatment, leaving me to deal with my right arm. Notwithstanding news media reports that I appeared to have been "exhausted" and was being kept for observation overnight, in fact, I was held captive in ICU for five days. I learned from that experience that the CIA should forego any concerns of waterboarding in favor of putting the terrorist enemies in ICU!

Upon release, I have been under intensive occupational therapy and physical therapy, as well as medical care. I have shed a few pounds, which was much needed, and have essentially recovered my physical abilities, except for being able to write. That also is improving with therapy and work on a daily basis. At this point, the major impact is acclimating myself to the medications. I am now on blood thinners, anti-stroke medicine, and blood pressure medicine. In reality, it is the different blood pressure medicines being tried that have caused me the biggest problem in feeling lightheaded and dizzy, etc. I am now, as of this date, back to work, even though something less than half time. I still cannot drive, but I feel improvement almost daily. The doctors are going to (hopefully) "release me" by the end of February, after assuring no repeated attacks for that period of time.

I look forward to a full recovery, given sufficient time, and resuming activities in our organizations. I also am going to smell more roses!

Again, I thank those of you that went to the trouble to come to my assistance and express your concerns. Thank you.

Sincerely, J. Cheney Mason

(12/16/11)

Former Beach lawyer acquitted of grand theft

■ Sally Sawh, who has been disbarred, was accused of stealing more than \$2 million from a French businessman.

BY DAVID OVALLE
dovalle@miamiherald.com

Jurors this week acquitted a former Miami Beach lawyer accused of pilfering more than \$2 million from a French businessman.

Sally Sawh, a disbarred attorney, had been accused in December 2008 of stealing the money of Jean Dahan and investing it in a high-end kitchen building company owned by her husband.

Jurors Monday night found her not guilty of first-degree grand theft.

"We believe we had a strong case and moved forward with the prosecution," said Miami-Dade State Attorney's Office spokeswoman Terry Gonzalez-Chavez. "This was a very difficult case and we respect the jury's verdict. That is why we have courts and why we have juries."

Dahan in 2008 had transferred almost \$4 million from a Swiss bank account into a trust account controlled by Sawh.

At the tail of end of the economic boom, the money was supposed to be used for

real estate investment, according to prosecutors. Sawh bought five properties and sold two others.

But according to an arrest warrant, \$1.879 million in the trust account — which was comingled with money from other clients — was transferred to her husband's company to pay his bills.

During the six-day trial, prosecutors Sofiea Bailey and Fred Kerstein presented thousands of documents. They also flew in Dahan, his relatives and advisors from France to testify.

Defense attorney **Brian Bieber** said he attacked Da-

han's credibility and insisted that Sawh did indeed have the authority to invest the money in her husband's company.

"There was no theft," Bieber said. "The bottom line is, there was no theft, even though the money is gone."

Sawh, however, won't return to lawyering. She voluntarily left the profession because of discrepancies with her trust accounts, Bieber said.

Dahan earlier sued Sawh who settled with the businessman but still owes him just under \$2 million.

Man Somehow Overcomes Alcoholism Without Jesus

CHICAGO—Despite a lack of divine intervention by the Son of God or any other higher power, area man Tom Wendt has somehow managed to overcome his alcoholism, sources confirmed Friday. "It was causing so many problems at work and with my family that I decided to stop drinking before it ruined my life," said Wendt, who credited his own willpower, a desire to better himself as a human being, and not Jesus Christ for the otherwise inexplicable recovery. "It hasn't been easy, but I took a hard look at myself and made some important lifestyle changes. I'm sober almost three months now, and I never could have done it without [wife and non-supernatural entity] Susan." Reached for comment, Wendt's aunt Clara, who spent years praying for her nephew, remained steadfast in her insistence that Jesus most likely had something to do with it.

THE BEST NON PARTISAN POLITICAL JOKE EVER!!!!!!!

A driver is stuck in a traffic jam on the highway. Nothing is moving.

Suddenly, a man knocks on the window. The driver rolls down the window and asks, "What's going on?"

"Terrorists have kidnapped Congress, and are asking for a \$10 million dollar ransom. Otherwise, they are going to douse them all in gasoline and set them on fire. We are going from car to car, taking up a collection."

"How much is everyone giving, on average?" the driver asks. The man replies, "About a gallon."

Alabama Emergency Evacuation Kit

1. Cell Phone
2. Beer Cooler (w/cold cash)
3. Rubber Raft
4. Surf Board



Dear Steve,

Once again, three other SDNY judges and I performed a skit and song in the 2001 edition of the SDNY Courthouse Follies, presented last night. Once again, the humor was sufficiently vulgar to meet with universal acclaim. Here is the script, for whatever scurrilous use you may wish to make of it. All best, Jed

[2011 Judges' Skit by Jed S. Rakoff]

[Enter judges, wearing robes but also wearing or holding infant toys, clothing, or the like]

Jed [removing pacifier from his mouth]: Wah, wah, wah!

Ron: What's wrong?

Jed: I'm flunking baby judge school.

Laura: Me too.

Lisa: Moi aussi.

Ron: But I don't understand. We are the new judges of the Southern District of New York. We were selected for our talent, our brilliance, our, our ...

Lisa: Youth.

Laura: Inexperience.

Jed: Connections.

Laura: The trouble is, all this stuff is new.

Ron: Until yesterday, I thought the S.E.C. was a football conference.

Lisa: I thought Erisa was some kind of new-age vegetable.

Laura: I thought infringement was how you decorate a curtain.

Jed: Don't even ask about "mandatory withdrawal".

Lisa: And today we had to learn reading, writing, and arithmetic.

Laura: Reading: F. Supp., F.2d, F.3d, ...

Ron: All those F-words.

Jed: Very ef-fuc-acious.

Lisa: And writing: Always write like Learned Hand.

Laura: Learned Hand? Does that mean digital?

Ron: No, it just means using the big finger.

Jed: And arithmetic: today I learned that $2 + 2 = 8$.

Laura: Is that the new math?

Jed: No, it's the Sentencing Guidelines.

Ron [with intonation]: Look, not to worry.

Lisa: I didn't know you were Jewish.

Ron: Once you're on the bench, you get what you always wanted.

Laura: Respect?

Lisa: Sex appeal?

Jed: Free tickets to the Yankees?

Ron: No, no. Listen up:

[Song: the tune of "I Enjoy Being A Girl"
from Flower Drum Song]

[First Verse]

Ron: I'm a judge, and by me that's truly great.
I've a robe and a huge gigantic gavel.

Laura: I am free to begin proceedings late,
And to yawn as the arguments unravel.

Lisa: I have learned all the tricks of doing justice,
I know just how to rule and to enjoin.

Jed: I can pull on my beard and muss my mustache,
And when ruling I can always flip a coin.

[First Chorus]

Lisa: When I have a civil action,
And the pleadings are clear as sludge,
I manage to smile a fraction:
I enjoy being a judge.

Laura: When I have a hard-fought motion,
And the papers are filled with grudge,
I feel like a fish in ocean:
I enjoy being a judge.

Ron: I snarl when the lawyers start to battle.
I sneer when the parties start to curse.

Jed: I smirk and I treat them all like chattel,
But I seem to recall that I was even worse.

All: Our brains may be light as feathers,
But we're here and we'll never budge.
So you're stuck with us now forever:
Like a dove
Floating above.
You've got to love
Your judge.

[Second Verse]

Laura: I'm a judge, and there's nothing much to do.
But to sit and pretend to pay attention.

Lisa: While my mind wanders off to subjects new
And to things that I really shouldn't mention.

Ron: Though I'm new, I'm a judge for all conditions,
There's no pose that I cannot take or fake.

Jed: In the best of the district court traditions,
I know how to sleep while seeming wide awake.

[Second Chorus]

Lisa: When I write a long decision,
And the tough issues I just fudge,
I feel that I've done my mission.
I enjoy being a judge.

Laura: Though I may make wrongful rulings,
At the least I am not a drudge.
To be right would be much too grueling.
I enjoy being a judge.

Ron: I smile when I send a guy to prison,
I laugh when I quash a plea for bail.

Jed: 'Tween justice and me there's quite a schism,
If you dare to complain, I'll send you straight to jail.

All: As year pass, we may get grayer,
And our waistlines may start to pudge.
But for sure we will still be players.
Thanks to thee,
Article III, Long may we be A judge!

View Full Version : City Manager Uses "Sandwich-In-Lap" Defense, Acquitted Of Fondling Himself In Public

Morbid

September 19th, 2011, 03:40 PM

Adrian, MI — Nine months ago, the city manager of Hudson, Michigan, was charged with a misdemeanor after a female in another vehicle reported that he was fondling himself while driving in a city-owned vehicle. That man is 50-year-old Steven Hartsel. According to an Adrian Police Department report filed at the time of the incident, the woman was in a City of Tecumseh truck that was on the roadway alongside a minivan driven by Hartsel. The witness, Sue Sellers, said in court testimony last week that she stopped for a red light on South Main Street at Beecher Street and happened to glance from her pickup into a van stopped in the lane on her right. "I couldn't believe what I saw. I looked over and I saw a man with his penis in his hand," she testified. She glanced over at least five times, she said in court, going from feelings of shock to anger. Sue Sellers told the jury she had no doubt about what she saw. "I could have been driving a bus full of kids," added Sellers in court testimony. She waited for the van to pull ahead when the light turned green, she said, and read a license plate she recognized as belonging to a government agency. Sellers called 911 and reported the incident to police. Adrian Police received the report and sent it on to the prosecutor's office. Hartsel was notified shortly after the incident and went to the police department. Adrian Police Officer Walt Fischhoff testified in court that Hartsel was waiting for him at the Adrian police station by the time he finished interviewing Sellers. Fischhoff testified that Hartsel initially denied he was masturbating while driving and instead claimed that he had a sandwich in his lap. Fischhoff said he told Hartsel the witness was a mature woman who knows the difference between what she reported and a sandwich. He said he also told Hartsel she wanted an apology and acknowledgement he was doing something wrong rather than a criminal prosecution. Fischhoff said Hartsel finally lowered his head and told him: "She saw what she said she saw. I'm sorry I did this. It was a stupid thing to do. It won't happen again." Seems open and shut, right? Not really. You see... that sandwich-in-the-lap defense — when executed by skilled attorney — can be difficult to overcome. During the court proceedings last Tuesday, Hartsel recanted the admission to Fischhoff and instead told the jury he, in fact, had an Arby's sandwich in his lap when he stopped at the intersection. He said in court that he was 'pulling red onions' from the bag, thus*explaining the 'stroking movements' that Seller's described. I've never heard it called "pulling red onions," before... "We've all heard the phrase that your eyes can play tricks on you. I think that's exactly what happened with Ms. Sellers. "Once she made the 911 call it's like a snowball going downhill," Defense Attorney Joseph Niskar said. Jurors deliberated less than two hours before returning a not guilty verdict. Hugs and congratulations were reportedly exchanged among Hartsel, his wife, defense attorneys and several supporters in the courtroom. "I want to thank everybody who provided such strong support for me throughout this ordeal," Hartsel said. "And now I will once again be able to devote 100 percent of my attention to serving this great city of Hudson." Hartsel told reporters that he could not describe the relief he felt at hearing the verdict announced. Perhaps it is most like the relief that you get after pulling red onions...



Sam Wilkins

Sam H. Wilkins

Flowood

Samuel Houston Wilkins passed away in his sleep at his home on Friday December 16, 2011. Visitation ~~will be~~ ^{was} held Monday December 19, from 10:00 a.m. to - 12:00 noon at Wright and Ferguson Funeral Home in Ridgeland, followed by a memorial service in the Chapel.

Sam was born in Stonewall, Mississippi, on October 18, 1937 to Samuel Lee and Agnes Wilkins. He attended Stonewall High School and Jones Junior College. Sam graduated from the University of Southern Mississippi where he was a member of Alpha Tau Omega fraternity. He graduated from Ole Miss School of Law and was admitted to the practice of law in 1966..

While in college, Sam and his friends would travel each summer to the Pocono Mountains to act as counselors at Camp Karamac. It was during one of these summers that he met and fell in love with his wife, Lee Graziadei, to whom he was married for 49 years.

As a young man growing up in Clarke County, Sam dreamed of being a professional musician. He fondly related the story of meeting a rising young star at a concert in the late 1950's. This young man was later known to the world as "the King," Elvis Presley. Sam continued playing his guitar throughout college and was known by friends as "Singing Sam."

Sam proudly served his country as an officer in the United States Navy aboard the U.S.S. Oklahoma City and the U.S.S. Atlanta during the Vietnam War. He recently reunited with several of his old shipmates from the Navy at their reunion in New Orleans.

Sam was a trial lawyer and a colorful figure in Mississippi legal circles for over 45 years. He handled numerous high-profile cases during the course of his career. He loved the courtroom and specialized in criminal law. Sam dedicated his life to defending the accused, helping many people when they were at their lowest. Sam always acted with grace and compassion, and was considered a friend by clients, adversaries, law enforcement, and judges alike. He was a member of the Mississippi Bar and was honored by being inducted into the American Board of Trial Advocates in 1981.

Sam is survived by his loving wife, Lee; his three devoted children, Samuel H. Wilkins, Jr., Paige Wilkins (Tim Moore), Rocky Wilkins (Heather); and five grandchildren, Samuel Lee Wilkins, Taylor Houston Wilkins, Houston Wade Wilkins, Maddox Dylan Moore, and Conner McAllister Moore.

Sam devoted his life to helping others, and he will be missed by the many people whose lives he touched. In lieu of flowers, memorial contributions may be made to: Blair E. Batson Children's Hospital, 2500 N. State St., Jackson, Mississippi 39216.



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Future Meetings

February 10-12, 2012: Atlantis Hotel, Nassau - Bahamas

June 22-24, 2012: Broadmoor Resort, Colorado Springs

October 4-6, 2012: St. Regis, Dana Point, CA

AIN'T THIS THE TRUTH

"Witnessing the Republicans and the Democrats bicker over the U.S. debt is analogous to watching two drunks argue over a bar bill on the Titanic."